IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE NINTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT PETITION NO : 2030 of 2005

Between:

Ande Poshalu, S/o Late Venkaiah,
R/o Bandarugudem, H/o Manuguru Village and Mandal,
Khammam District.

..... PETITIONER

AND

1 M/s Hindustan Petroleum Corporation Ltd, Kattubadipalem, Kondapally

Terminal, Krishna district, rep. by its Manager.
2 M/s Hindustan Petroleum Corporation Ltd, Head Office, No. 17, Jamshedji

Tata Road, Mumbai - 400 002, rep. by its General Manager.
3 District Collector, Khammam District,Khammam.
4 Mandal Revenue Officer, Manuguru, Khammam District.
5 Aude Venkateswara Rao @ Venkateswarlu, S/o Muttaiah,
r/o Bandarugudem , H/o Manuguru Village and Mandal, Khammam District.
6 Kanagala Venkaiah, s/o Potaiah,
R/o Samaithi Singaram village, behind Govt. Junior College, Manuguru,

Khammam District.
7 Gajuloth Bhadru, S/o Bajya,
R/o Sarapaka village, Burgampahad Mandal, Khammam District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate writ, order or direction, particularly one in the nature of Mandamus, declaring the action of the respondents 1 and 2 herein in proposing to grant licence to 7th respondent herein and also the action of the Respondent 3 herein in proposing to grant No Objection Certificate in favour of the 7th respondent herein for establishment of Petrol and DieselRetail Outlet in S.No. 138/4 at Bandarugudem H/o Manuguru Village and Mandal,Khammam District belonging to the petitioner herein as illegal, arbitrary, unreasonable and violative of the fundamental rights guaranteed to the petitioner under Articles 14, 21 and 300-A of the Constitution of India and issue a consequential direction to the1st and 2nd respondent herein not to grant any licence to 7th respondent herein and also direct the 3rd respondent herein not to grant No Objection Certificate in favour of 7th respondent herein for establishing the Petrol and Diesel Retail Outlet in the above

said land.

Counsel for the Petitioner: MR.M.RAJAMALLA REDDY

Counsel for the Respondent Nos.1 and 2: MR.P.V.SANJAY KUMAR

Counsel for the Respondent Nos.3 and 4: GP FOR REVENUE

Counsel for the Respondent Nos.5 to 7: --

The Court at the admission stage made the following ORDER:

This writ petition is filed against the proposed action of the respondents 1 and 2 to grant licence for establishment of retail outlet for sale of oil, diesel and petrol to the seventh respondent.

It is stated that subsequent to the filing of the writ petition, the petitioner came to know that licence has already been granted in favour of the seventh respondent. Therefore, he seeks to withdraw the writ petition with liberty to file a fresh writ petition questioning licence granted in favour of the seventh respondent.

Permission is granted. Accordingly, the writ petition is dismissed as withdrawn giving liberty to the petitioner to file a fresh writ petition. No costs.

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09.06.2005

VGB

To

1 M/s Hindustan Petroleum Corporation Ltd, Kattubadipalem, Kondapally

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5 2CCs to the Government Pleader for Revenue, High Court Buildings,

Hyderabad (OUT)

6 2CD copies.